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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/195,105	11/18/1998	PAUL A. FRANCISCO	2434.114	3966
23117	7590	09/23/2008		
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER ROBINSON BOYCE, AKIBA K	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 09/23/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

09/195,105

**Applicant(s)**

FRANCISCO ET AL.

**Examiner**

AKIBA K. ROBINSON BOYCE

**Art Unit**

3628

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/4/08 has been entered.

### ***Status of Claims***

2. Due to communications filed 9/4/08, the following is a non-final office action. Claims 1, 9 and 17 are amended. Claims 1-17 are pending in this application. The previous rejection has been adjusted to reflect claim amendments.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cretzler (US Patent 5,644,724), and further in view of Golden et al (US 5,774,872). Cretzler teaches a point-of-sale tax collection system and method where taxes are remitted and collected in real time at point-of-sale locations, while Golden et al teaches an automated transaction tax reporting/collection system which includes individual point of sale terminals disposed at each remote vendor location.

As per claim 1, Cretzler discloses:

at least one tax register located at a merchant or retailer location, said at least one tax register for processing consumer sales transaction data at the retailer location and...(Col. 4, lines 16-19)...computing use tax data to be indicated to an appropriate state agency...(Col. 4, lines 25-26, Col. 6, lines 16-18)...said at least one tax register forwarding said...use tax data to one of the state agency and a credit card processing company for processing wherein the transaction data includes at least an amount of money received by the merchant or retailer from the consumer for the goods ...(Col. 6, lines 19-31, where the credit card company of the present invention is analogous to the service bank of Cretzler, also shows that total amount of transaction including the amount of taxes is included in an invoice, sent to merchant bank, where the tax information is then accumulated and sent to the tax authorities as shown in col. 7, lines 14-20);

a first computer and...disposed at the state agency, the first computer... for receiving and storing the forwarded...use tax data from one of the credit card processing company and a merchant at the retailer location; and...(col. 10, lines 28-29);

a first communication link connecting at least one of (i) the tax register at the retailer location and (ii) the credit card processing company, to the first computer and memory at the state agency, said first communication link for permitting the tax register or credit card company to forward the...use tax data to said first computer and memory so that the...tax data from the retailer is automatically forwarded to the state agency and stored in the first memory in order to help enforce tax laws and prevent consumers or merchants from avoiding the payment of use tax...(Col. 3, lines 32-41, Col. 10, lines 30-33).

wherein the transaction data includes a transaction number, the transaction number enabling the consumer to confirm with the state agency whether the transaction has been properly reported, (Col. 2, lines 24-36, shows tax identification number is used to identify the merchant for which store sales tax collection information from the daily transactions of the identified merchant is received, stored, and for which the sums are wire transferred to a tax authority bank, where they are received and processed, and in this case, it is obvious to confirm that a wire transfer is completed since for wire transactions, confirmation of receipt of payment is always done, and also since the tax data [including sums of the tax data] is stored under the merchants tax identification number, this suggests that the sums wired can be confirmed through access of the tax identification number).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the transaction data to include a transaction number, the transaction number enabling the consumer to confirm with the state agency whether the transaction

has been properly reported, with the motivation of showing that the tax data was completely processed at the state agency.

Cretzler does not specifically disclose the following,

Corresponding first memory

However a corresponding first memory is obvious with Cretzler's system because the tax information is already stored (See Col. 10, lines 16-18), therefore the computer must have a memory if it receives information that is already stored.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a memory with the motivation of having means to store transaction and use tax data.

Cretzler does not specifically disclose the following:

A first computer...disposed at the state agency, the first computer and memory for receiving and storing the forwarded transaction data *and* use tax data.../Permitting the tax register or credit card processing company to forward the transaction data *and* use tax data...to said first computer...so that the transaction data *and* tax data is automatically forwarded to the state agency, but does disclose that that the transaction data (including the amount of the transaction) is stored by a microcomputer after the user has received payment for the transaction in Col. 6, lines 56-58, and that both the transaction data (including the amount of the transaction) and the tax data are then transferred from the point of sale to the merchant or service bank (See Col. 6, lines 57-59 w/ Col. 6, line 65-Col. 7, line 6), and also teaches that the tax data (which is already associated with the transaction data, see col. 6, lines 16-18) is extracted from the transaction data by the merchant/service bank and transmitted to the tax authority, thereby suggesting having the transaction data sent to the tax authorities without

implementing the added step of extracting the tax data from the transaction data, and making the above limitation obvious.

However, Golden et al discloses:

A first computer...disposed at the state agency, the first computer and memory for receiving and storing the forwarded transaction data *and* use tax data.../Permitting the tax register or credit card processing company to forward the transaction data *and* use tax data...to said first computer...so that the transaction data *and* tax data is automatically forwarded to the state agency, (Col. 7, lines 22-42, shows that *both* the amount of the sales transaction, and the tax due on the transaction are stored in a consolidated file, which is then analyzed by central computer and stored in a state sales tax data file, which is then used to generate appropriate reports to send to the state governmental taxing authority). Golden et al discloses this limitation in an analogous art for the purpose of showing that both the transaction data and tax data are sent to the governmental taxing authority.

It would have been obvious to one of ordinary skill in the art at the time of the art to transfer both transaction data and use tax data with the motivation of transmitting *all* data stored in a file, which is intended to be sent to taxing authorities.

As per claim 2, Cretzler discloses:

wherein the consumer purchased goods with one of a credit card...(Abstract, lines 8-12).

As per claims 3, 11, Cretzler fails to disclose wherein the first communication link is one of a digital packet/packet switched digital data network, but does disclose transmission over telephone lines as shown in Fig. 1, (16).

However, Golden et al discloses:

wherein the first communication link is one of a digital packet/packet switched digital data network, (Col. 2, lines 37-39, shows digital transmission). Golden et al discloses this limitation in an analogous art for the purpose of showing that tax data can be digitally transmitted over telephone lines, which is commonly done in packets of data.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a digital packet switched network or a satellite network for a communications network because these type of networks are the most common and up-to-date resources for facilitating electronic communications. They allow fast, effective communication across wide area networks and vast geographical locations.

As per claims 4, 13, Cretzler discloses:

wherein the system includes means at the retailer location for accessing a credit card company in response to the transaction...(Col. 4, lines 37-41, and Col. 5, line 61-Col. 6, line 5);

The following is obvious with Cretzler because since the consumer is utilizing his or her credit card to carry out the transaction, he or she would therefore like the charges to occur on that transaction medium. In addition, Cretzler teaches that the service bank of the customer (analogous to the credit card company) sends an approval authorization for credit and debit transactions. In conventional systems, this approval implies charging the consumer's credit card for the transaction:

the credit card company automatically charges the consumer's credit card.../means for charging a credit card...

As per claim 5, Cretzler discloses:



further including means for allowing the credit card company to forward use tax charge to the consumer to the state agency...(Col. 4, lines 37-53, with col. 10, lines 35-41, Col. 5, line 61-Col. 6, line 5).

As per claim 6, Cretzler fails to teach the following, but does disclose the creation of an invoice related to tax information in col. 7, lines 14-20.

However Golden, et al discloses:

further including means for issuing a tax stamp receipt to a consumer...(Abstract, lines 17-19). Golden, et al discloses this limitation in an analogous art for the purpose of showing that taxes are officially recorded.

It would have been obvious to one of ordinary skill in the art to include means for issuing a tax stamp receipt to a consumer in order to provide some type of evidence that the consumer actually paid what her or she owes.

As per claims 7, 9, Cretzler discloses:

the...network for allowing/enabling a consumer to purchase goods over the...network for a retailer...(Col. 4, lines 16-24);

at least a first computer or register located at a merchant or retailer location, said first computer or register for processing consumer sales transaction data at the retailer location and...(Col. 4, lines 16-28, col. 9, lines 35-40)...forwarding use tax data and transaction data for a transaction to one of a state authorized agency and a credit card processing company where the transaction data includes at least an amount of money received by the merchant or retailer from the consumer for the transaction ...(Col. 6, lines 19-31, where the credit card processing company of the present invention is analogous to the service bank of Cretzler, also shows that total amount of transaction including the amount of taxes is included in an invoice, sent to merchant bank, where

the tax information is then accumulated and sent to the tax authorities as shown in col. 7, lines 14-20);

at least a second computer and corresponding memory disposed at the state authorized entity, the second computer and memory for receiving and storing forwarded use tax data...from one of the credit card processing company and a merchant at the retailer location; and...(Col. 10, lines 28-29);

a first communication link connecting at least one of (i) the first computer or register at the retailer location and (ii) the credit card processing company, to the second computer and memory at the state authorized agency, said first communication link for permitting the tax register or credit card company to forward the use tax data...to said second computer and memory whereby the tax data from the retailer is automatically forwarded to the state authorized entity and stored in the memory in order to help enforce tax laws and prevent consumers or merchants from avoiding the payment of use tax...(Col. 3, lines 32-41, Col. 10, lines 30-33).

The following is obvious with Cretzler's system because in Cretzler, the tax information is already stored (See Col. 10, lines 16-18), therefore the computer must have a memory if it is supposed to receive information that is already stored. In addition, it is essential that a computer have a memory in order to maintain data for various communication applications:

corresponding memory...

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a memory with the motivation of having means to store transaction and use tax data.

wherein the transaction data includes a transaction number, the transaction number enabling the consumer to confirm with the state agency whether the transaction

has been properly reported, (Col. 2, lines 24-36, shows tax identification number is used to identify the merchant for which store sales tax collection information from the daily transactions of the identified merchant is received, stored, and for which the sums are wire transferred to a tax authority bank, where they are received and processed, and in this case, it is obvious to confirm that a wire transfer is completed since for wire transactions, confirmation of receipt of payment is always done, and also since the tax data [including sums of the tax data] is stored under the merchants tax identification number, this suggests that the sums wired can be confirmed through access of the tax identification number).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the transaction data to include a transaction number, the transaction number enabling the consumer to confirm with the state agency whether the transaction has been properly reported, with the motivation of showing that the tax data was completely processed at the state agency.

Cretzler's fails to disclose a digital data network, but does disclose transmission through a telephone line as shown in Fig. 1, (16), where it is common to transmit data digitally.

However Golden et al discloses: a digital data network, (Col. 2, lines 37-39, shows digital transmission). Golden et al discloses this limitation in an analogous art for the purpose of showing that tax data can be digitally transmitted over telephone lines, which is commonly done by way of a data network.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a digital data network for a communications network because this type of network is the most common and up-to-date resource for facilitating electronic communications, and allows fast, effective communication across wide area networks and vast geographical locations.

Cretzler fails to disclose at least a second computer and corresponding memory disposed at the state authorized entity, the second computer and memory for receiving and storing forwarded use tax data *and* transaction data.../Permitting the first computer or register, or the credit card processing company to forward the use tax data *and* transaction data...to said second computer and memory, but does disclose that the transaction data (including the amount of the transaction) is transferred from the point of sale to the merchant or service bank (See Col. 6, lines 57-59 w/ Col. 6, line 65-Col. 7, line 65-Col. 7, line 6), and also teaches that the tax data (which is already associated with the transaction data, see col. 6, lines 16-18) is extracted from the transaction data by the merchant/service bank and transmitted to the tax authority, thereby making it obvious to just have the transaction data sent to the tax authorities without implementing the added step of extracting the tax data from the transaction data.

However, Golden et al discloses:

At least a second computer and corresponding memory disposed at the state authorized entity, the second computer and memory for receiving and storing forwarded...transaction data.../Permitting the first computer or register, or the credit card processing company to forward the...transaction data...to said second computer and memory...(Col. 7, lines 22-42, shows that *both* the amount of the sales transaction, and the tax due on the transaction are stored in a consolidated file, which is then analyzed by central computer and stored in a state sales tax data file, which is then

used to generate appropriate reports to send to the state governmental taxing authority). Golden et al discloses this limitation in an analogous art for the purpose of showing that both the transaction data and tax data are sent to the governmental taxing authority.

It would have been obvious to one of ordinary skill in the art at the time of the art to transfer both transaction data and use tax data with the motivation of transmitting *all* data stored in a file, which is intended to be sent to taxing authorities.

As per claim 8, Cretzler discloses:

wherein said link includes one of a telephone line...(Fig. 1, (16)).

As per claim 10, Cretzler discloses:

wherein the first computer or register comprises tax data...(Col. 4, lines 16-28, col. 9, lines 35-40).

As per claim 12, Cretzler fails to teach wherein the state authorized entity is a State Treasury..., but does disclose taxing authorities in Col. 3, lines 32-41.

However, Golden et al discloses:

wherein the state authorized entity is a State Treasury, (col. 2, lines 29-30).

Golden et al discloses this limitation in an analogous art for the purpose of showing that taxable transactions can be automatically reported to the State Treasury.

It would have been obvious to one of ordinary skill in the art for the state authorized entity to be the State Treasury because the State Treasury is one of the most popular and well known entities which collects taxes from both people and businesses. The state treasury is an essential part of the economic makeup of the country and in order to continue functionality is required to collect taxes.

As per claim 14, Cretzler discloses:

Wherein the tax register comprises a PC-based point-of-sale system including a keyboard, credit card reader, bar code reader and receipt printer...(Abstract, line 3 and Col. 6, lines 23-28, [card reader, keypad]).

As per claim 15, Cretzler discloses:

Wherein the register comprises a declining register, (Col. 6, lines 29-35, where the system causes a message "Declined" to be displayed and declines the current transaction).

As per claim 16, Cretzler discloses:

Further comprising means at the retailer for causing each of: (a) summaries of transactions to be provided, (col. 8, lines 4-12, summary report); (b) a summary list of transactions to be provided, (col. 8, lines 4-12 (wire transfer of all the sums collected from merchants); (c) a checking account of the retailer to be charged so that money is taken from the checking account of the retailer based on the transaction data and tax data forwarded to the memory and the first computer, (col. 5, lines 1-11, w/ col. 5, lines 55-61, account of merchant).

As per claim 17, discloses:

A tax register located at a retailer, said tax register for processing consumer sales transaction data at the retailer ,(Col. 4, lines 16-19), and computing use tax data to be provided to an appropriate state agency based upon at least one of the location of a consumer and/ or where the purchased goods are to be shipped, ...(Col.. 4, lines 25-26, Col. 6, lines 16-18), said tax register forwarding said...use tax data to one of the state agency and a credit card processing company for processing, wherein the transaction data includes at least an amount of money received by the retailer from the consumer for the goods, ...(Col. 6, lines 19-67, where the credit card company of the

present invention is analogous to the service bank of Cretzler, also shows that total amount of transaction including the amount of taxes is included in an invoice, sent to merchant bank, where the tax information is then accumulated and sent to the tax authorities as shown in col. 7, lines 14-20);

a first computer..., the first computer...for receiving and storing the forwarded transaction data and use tax data from one of the credit card processing company and a merchant at the retailer, (col. 10, lines 28-29);

a first communication link connecting at least one of (i) the tax register at the retailer location and (ii) the credit card processing company, to the first computer and memory, said first communication link for permitting the tax register or credit card processing company to forward the...use tax data to said first computer so that the...tax data from the retailer is automatically forwarded to and stored in the first memory in order to help enforce tax laws and prevent consumers or merchants from avoiding the payment of use tax, (Col. 3, lines 32-41, Col. 10, lines 30-33); and

means at the retailer for causing each of: (a) summaries of transactions to be provided, (col. 8, lines 4-12, summary report)

(b) a summary list of transactions to be provided, (col. 8, lines 4-12 (wire transfer of all the sums collected from merchants); (c) a checking account of the retailer to be charged so that money is taken from the checking account of the retailer based on the transaction data and tax data forwarded to the memory and the first computer, (col. 5, lines 1-11, w/ col. 5, lines 55-61, account of merchant);

Cretzler does not specifically disclose the following,

Corresponding first memory

However a corresponding first memory is obvious with Cretzler's system because the tax information is already stored (See Col. 10, lines 16-18), therefore the computer must have a memory if it receives information that is already stored.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to incorporate a memory with the motivation of having means to store transaction and use tax data.

wherein the transaction data includes a transaction number, the transaction number enabling the consumer to confirm with the state agency whether the transaction has been properly reported, (Col. 2, lines 24-36, shows tax identification number is used to identify the merchant for which store sales tax collection information from the daily transactions of the identified merchant is received, stored, and for which the sums are wire transferred to a tax authority bank, where they are received and processed, and in this case, it is obvious to confirm that a wire transfer is completed since for wire transactions, confirmation of receipt of payment is always done, and also since the tax data [including sums of the tax data] is stored under the merchants tax identification number, this suggests that the sums wired can be confirmed through access of the tax identification number).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the transaction data to include a transaction number, the transaction number enabling the consumer to confirm with the state agency whether the transaction has been properly reported, with the motivation of showing that the tax data was completely processed at the state agency.



Cretzler does not specifically disclose the following,  
Forwarding the transaction data *and* use tax data to said first computer so that the transaction data *and* tax data from the retailer is automatically forwarded to and stored in the first memory in order to help enforce tax laws and prevent consumers or merchants from avoiding the payment of use tax, but does disclose taxing authorities in Col. 3, lines 32-41.

However, Golden et al discloses this feature: (Col. 7, lines 22-42, shows that *both* the amount of the sales transaction, and the tax due on the transaction are stored in a consolidated file, which is then analyzed by central computer and stored in a state sales tax data file, which is then used to generate appropriate reports to send to the state governmental taxing authority). Golden et al discloses this limitation in an analogous art for the purpose of showing that both the transaction data and tax data are sent to the governmental taxing authority.

It would have been obvious to one of ordinary skill in the art at the time of the art to transfer both transaction data and use tax data with the motivation of transmitting *all* data stored in a file, which is intended to be sent to taxing authorities.

### ***Response to Arguments***

5. Applicant's arguments filed 9/4/08 have been fully considered but they are not persuasive.

Applicant argues that as amended, independent claims now recite "wherein the transaction data further includes a transaction number, the transaction number enabling the consumer to confirm with the state agency whether the transaction has been

properly reported." , and therefore, prior art does not teach this. However, as shown in the rejection above, Cretzler specifically shows that a tax identification number is used to identify the merchant for which store sales tax collection information from the daily transactions of the identified merchant is received, stored, and for which the sums are wire transferred to a tax authority bank, where they are received and processed in Col. 2, lines 24-36. In this case, it is obvious to confirm that a wire transfer is completed since for wire transactions, confirmation of receipt of payment is always done, and also since the tax data [including sums of the tax data] is stored under the merchants tax identification number, this suggests that the sums wired can be confirmed through access of the tax identification number.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.  
September 22, 2008

/Akiba K Robinson-Boyce/

Primary Examiner, Art Unit 3628